



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Rawlins Field Office  
P.O. Box 2407 (1300 North Third Street)  
Rawlins, Wyoming 82301-2407

4700

July 14, 1999

Dear Reader:

Enclosed, please find the Rawlins Field Office's Decision Record (DR) and Finding of No Significant Impact (FONSI) concerning wild horse gathers outside wild horse herd management areas (HMAs). Environmental assessment (EA) #WY-030-EA9-156 analyzed impacts of this action and alternatives. A 30-day comment period for this EA began June 1, 1999, and ended July 1, 1999. The EA, DR, and FONSI serve as the basis for compliance with the National Environmental Policy Act of 1969. This action is in conformance with existing land use plans.

We received eight comments concerning the proposed gathers. Five comments supported the proposed action. One comment was supportive of the proposed action, except for the proposal to place unadoptable horses into the Adobe Town HMA. One comment was critical of the proposed action, and one comment was critical of any management of wild horses. These comments are considered in the DR.

Everyone receiving this letter should have already received a copy of the EA. If you did not receive the EA, would like another copy, or have questions, please contact Mike Calton, Range Management Specialist, at (307) 328-4210; or Chuck Reed, Resource Advisor, at (307) 328-4213 in the Rawlins Field office. We may also be contacted via email at: rawlins\_wymail@blm.gov. The EA is posted on the Wyoming BLM website ([www.wy.blm.gov](http://www.wy.blm.gov)). To locate it, click on "Wild Horse Environmental Assessments" under the New Information section. The EA, Decision Record, and FONSI are all available at the Rawlins Field Office in Rawlins, Wyoming, and in the Wyoming State Office in Cheyenne, Wyoming.

Sincerely,

Field Manager

Enclosure

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**NOTICE OF DECISION  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
CONCERNING  
WILD HORSE GATHERS  
OUTSIDE WILD HORSE HERD MANAGEMENT AREAS  
EA #WY-030-EA9-156**

**Decision**

It is my decision to approve the Proposed Action as described in the environmental assessment for Wild Horse Gathering Outside Wild Horse Herd Management Areas, dated June 1, 1999 (EA # WY-030-EA9-156). Beginning July 15, 1999, the Bureau of Land Management (BLM) will gather and remove 400 wild horses located outside of herd management areas (HMAs) within the Rawlins Field Office. Because the areas to be gathered are not within an established HMA, all wild horses in these areas are considered stray and excess and are subject to removal. Approximately 80 of the gathered wild horses would be "unadoptable" and would be returned to the Adobe Town HMA. The BLM will continue to monitor wild horse numbers and range conditions to achieve the multiple-use objectives in the grazing allotments within the herd management areas.

The wild horses will be gathered according to the Capture Plan (Appendix A) contained in the EA. A helicopter will assist in gathering operations. Gathered wild horses will be transported to the central holding facility in Rock Springs or other approved facilities. Gathering operations would begin no earlier than July 15, 1999.

This decision is considered to be in full force and effect according to 43 CFR 4770.3(c) which states in part: "Decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision." However, this decision is subject to appeal. If you wish to appeal this decision, as provided by 43 CFR 4770.3 and 43 CFR 4.21, you must file an appeal in writing within 30 days of this decision with the Rawlins Field Manager, Rawlins Field Office, P. O. Box 2407, Rawlins, Wyoming 82301-2407. The appeal must state clearly and concisely why you think the decision is in error.

Should you wish to file a motion for stay, justification must be based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

If you decide to also submit a petition for stay of the decision, a copy of the notice of appeal, statement of reasons, and petition for stay should be simultaneously filed with the Rawlins Field Manager and with the Office of the Field Solicitor. When using regular U. S. Mail, send the documents to the Regional Solicitor, Rocky Mountain Region, U. S. Department of the Interior, P.O. Box 25007 (D-105), Denver Federal Center, Denver CO 80225. If using other delivery services, send the documents to the Regional Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado, 80215.

**Finding of No Significant Impact**

The Rawlins Field Office received eight comments concerning the proposed gathers. Five comments favored the proposed action. Three of these comments mentioned specific areas where wild horses were located, providing information helpful for the gathering operation. Two comments suggested that July or other mid-summer gathers would benefit the land and

reduce the number of stray and excess wild horses. The Wyoming Chapter of the Wildlife Society supports removal of stray and excess wild horses to “maintain wild horses population levels within objectives.” It also agrees that the proposed action would have no long term adverse effects on wildlife. The Wyoming Department of Agriculture submitted comments through the Wyoming Office of Federal Land Policy, stating that the removals “will benefit the environment, wildlife, and livestock grazing.”

The Wyoming Game and Fish Department (WGFD) also submitted comments through the Wyoming Office of Federal Land Policy. These comments were supportive of proposed action. The WGFD supports removal to “keep the horses contained within the designated wild horse Herd Management Areas.” It has concerns about returning unadoptable animals to areas that may already be above objective populations levels. It also believes that there are significantly more horses in the Adobe Town area than the 1998 BLM inventory figures suggests.

The Wyoming Office of Federal Land Policy suggested resolving this difference before beginning removal operations. However, current BLM policy does not provide for other alternative methods of dealing with unadoptable wild horses. This selective removal policy is outlined in Washington Office Instruction Memorandum 99-053. Congressional and internal audits say that we should stop routinely removing unadoptable wild horses. These wild horses travel from adoption to adoption without being adopted and usually are placed in sanctuaries. Auditors say that these expenses are unjustified. The remaining choice is to place unadoptable wild horse into adjacent HMAs.

Schubert and Associates, representing the Fund for Animals, submitted extensive comments. Examination of the letter revealed that the comments were essentially identical to comments submitted to the Rock Springs BLM’s proposal for actions in nearby HMAs. In attempting to tailor the comments to the Rawlins proposal, Schubert and Associates incorrectly assert, in the section titled Conclusion, that the BLM refuses “to disclose the cattle, wildlife, and rangeland monitoring data . . . used to establish the wild horse AML in the Adobe Town HMA.” The EA states on page five that AMLs and other management changes were recommended after a public process. This is documented in EA WY-037-EAR-122, “Management Changes in the Wild Horse HMAs,” available from this office upon request. That process was open and public and the advocacy community had the free and open opportunity to contest the data and/or conclusions at that time. This EA is available and on file at this office.

One comment expressed philosophical opposition to wild horse management. The comment seems to indicate that the author may believe that all wild horses would be removed from all lands in the area. No specific, substantive comments to the proposed action were provided.

The BLM considered all data relevant to this decision to gather wild horses from this area. This data included wild horse locations, general impacts of wild horses to areas outside HMAs, impacts of returning wild horses to the Adobe Town HMA, impacts to private land owners, impacts of gathering operations, and impacts to wild horses when gathered. Based on the EA for Wild Horse Gathering Outside HMAs (EA #WY-030-EA9-156) and on relevant subsequent public input, I have determined that the impacts to the quality of the human environment are not expected to be significant. Therefore, an environmental impact statement is not necessary.

### **Rationale for Decision**

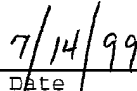
During the February 8, 1999, public meeting/hearing on the wild horse gathering program and the use of helicopters for gathering, no substantive reasons were provided for why gathering should not occur during the 1999 summer/fall gathering period as described and analyzed in the EA. No comments were received that provided new information that would require further analysis or that indicated that the decision to follow the Capture Plan and use

helicopters in gathering operations should be changed. Helicopters have been used in Wyoming wild horse gathering operations for the past 21 years, with minimal adverse impacts. Gathering operations will begin no earlier than July 15, 1999.

Planning documents, including the existing land use plan, do not provide for maintaining populations of wild horses outside HMAs. Wild horses which stray from HMAs are considered excess and are subject to gathering. Gathering wild horses in these areas is in conformance with the existing land use plan as well as current rules and policy guidance.

The analysis in the EA reveals the impacts to the wild horses and to other resources will not be significant. Planned actions identified in the Capture Plan (Appendix A of EA #WY-030-EA9-156) will assure safe and humane treatment of wild horses and minimize safety risks to BLM employees or contractors.

  
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Field Manager  
Rawlins Field Office

  
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Date